

Public Safety Officer Standards and Training Council
May 15, 2008
8:30 am Maple Building
Montana Law Enforcement Academy, Helena, MT

MEMBERS PRESENT: Steve Barry (Acting Chair), Wayne Ternes, Deborah Butler, Ray Murray, Bonnie Wallem, Mike Reddick, Dennis McCave, Bob McCarthy, Levi Talkington, James Marble, Geri Mason, Tana Meuer

MEMBER(S) ABSENT: Winnie Ore, Tony Harbaugh, Mike Anderson, Frannie Weeks, Hannah Tillman

OTHERS PRESENT: Kevin Olson, Truman Tolson, Tim Shanks, Tim O'Connell, Angie Mullikein, Nanette Gilbertson, Mike Olson, Stacy Randle & Rick Musson

I. Meeting called to Order – Steve Barry called the meeting to order at 8:45am

II. Introductions:

Steve Barry
Ray Murray
Bonnie Wallem
Dennis McCave
Mike Reddick
Bob McCarthy
Levi Talkington
James Marble
Deborah Butler
Wayne Ternes – POST Director
Tana Meuer
Geri Mason – Records Manager – Department of Corrections

Introductions of Guests:

Kevin Olson – MLEA; Truman Tolson – Missoula Police Department; Tim Shanks – Great Falls Police Department; Tim O'Connell – Billings Police Department; Angie Mullilein – SHTSB/MDT; Nanette Gilbertson – MSPOA; Mike Olson – Yellowstone County Sheriffs Office; Stacy Randle – City of Bozeman (MT LETC); Rick Musson – Laurel Police Department

III. Approval of Minutes from the February 21, 2008 meeting

Corrections: misspelled Bonnie Wallem's last name (change Wahlum to Wallem)
Change 'abtains' to 'abstains'
Tony Harbaugh "does" represent MSPOA

Steve Barry was looking for clarification regarding the POST tests where it states 'Motion carries' in regards to *6 written exams* used in Correction/Detention?

Wayne explained that the motion was to include these exams with the others as we move away from using them since none of the exams are validated or current.

Motion

Dennis McCave moved to approved the February 21, 2008, Meeting Minutes

Levi Talkington seconded

Motion carried

IV. Old Business

a. ARM Public Hearing

First public hearing on ARM's is Monday, May 19, 2008, at 1:00 at Board of Crime Control.

Wayne commented on the changes to the ARM's and the feed back from the Correction/Detention officers and Law Enforcement and the changes to issuance of POST certificates

Dennis McCave has concerns about the 400 hours for Management & Leadership training in the ARM changes.

Discussion held

Summary:

Wayne will be attending the hearing and will bring up the change of the word (equivalency test to equivalency course) and the concern over the 400 hours.

b. Retreat Strategic Plan – agenda item moved

c. EPP request

Wayne explained that POST was grossly under funded and understaffed when it made the change to be administratively attached to DOJ.

New positions – Compliance Monitor and Curriculum Specialist to research the curriculum – not to write it

POST was not funded for legal services for hearings officer. At this time, there are 35 open complaint cases with some up to two years old which need to be filtered through; and 20 that need to be open.

Discussion held

Summary:

POST Council requests additional funding for 2011 biennium to staff and fund operations efficiently and meet the statutory requirements.

V. Financial Report

Wayne explained the HB2 money, on the financial report, regarding the wages was okay, but does not take into account for 9 months of a vacant position which is now filled, so next year it will change.

Operating expenses for the year was budgeted for \$9204.00, spent \$22,333.00, which is over the budget 243%.

Dept. of Justice added \$62,000.00 toward POST to cover operating expenses which came from drug forfeiture money (which can be moved around); unlike the House Bill money that cannot be changed.

At this time POST is okay, but starting July 1, 2008, will be in trouble.

VI. New Business

a. Elect Vice-Chair

Dennis moved to elect Steve Barry as Vice Chair

Levi Talkington seconded

Motion carried

b. Testing Consortium – Captain Tim Shanks of Great Falls

1. Physical fitness standards

Tim shared the history of the testing consortium.

The consortium is not quite into a full year and is currently looking at implementing a physical fitness standard statewide. This has been addressed with POST and the Montana Board of Crime Control in the past.

Questionnaires are sent out to all state, local & county agencies which entails a 400-500 question questionnaire

Tim is before the council to present the testing standard to the POST Council and would like to have the POST Council's input & support

Tim provided a handout titled 'Quality though Selection' by Stanard & Associates, Inc. on physical ability testing.

Discussion; following are key points:

- Mike Reddick asked if the Academy would re-evaluate their Physical fitness standards?

- Kevin Olson stated they would have to re-evaluate the academy standards if the Physical Fitness standards are adopted and used.
- Ray Murray questioned if consortium looking at a employment standard?
- Tim Shanks stated the consortium will be a continuing employment standard.
- Steve Barry had two questions for consideration; How would one model fit all agencies? and
How do we address smaller agencies like Baker who has a hard time employing staff?
- Wayne Ternes commented the question that will come up is ‘do we see this as a standard that POST will adopt for all Peace Officers as defined’?
- Kevin Olson felt POST needs to take an active role in this decision because the consortium is moving forward with or without the role of POST.
- Ray Murray commented that this issue keeps coming up. He suggested forming a committee of this council to examine this question and report back at the next POST council meeting.

Motion to establish a subcommittee & to develop a recommendation on an employment physical fitness standard by the next meeting in August

James Marble made the first motion
Mike Reddick - seconded
Motion carried

Committee Members:
Mike Reddick - Chair
Bonnie Wallem
Ray Murray
Levi Talkington
Tony Harbaugh
James Marble

- c. **Legal Counsel’s Report** – Deb Butler
1. **Jacob’s case**

Closed for Executive Session due to the confidential nature of the case.

- d. **POST Director’s Report**
1. **Approval of Certification Requests**

Brief discussion regarding POST Certificate for Tim Coleman from

Hot Springs PD. Law states if at the time of application of request for certification, they meet requirements; we shall produce the requested certificate. POST will then move forward on the investigative file. This will mean some sort of sanction against his certificate.

Motion

Dennis McCave motioned to approve Certification Request

Mike Reddick seconded

Motion carried

2. Approval of Extension Requests

Big Horn County Sheriffs Office

Ramon J Herrera – Hire Date 5/21/2007

Matthew Edwards – Hire Date 9/4/2007

DOC/Montana State Prison

Shannon Davies–(child care issues with a teenage son)–

Hire Date 7/27/2007

Roosevelt County Sheriffs Office

Ryan Beston – Hire Date 7/5/2007

Dave W Bets His Medicine – Hire Date 7/1/2007

Mike Reddick motioned to approve

Dennis McCave seconded

Motion carried

3. Approval of Equivalency Requests

MSU Police Department

Jeremy Barnes (Ogden PD, Utah) - Hire Date 06/02/08

Fort Peck Tribes, Dept. of Law and Justice

James H. Summers (BIA) – Hire date 10/01/96

Tom J. Atkinson, Jr. (BIA) – Hire date 07/07/99

Roosevelt County Sheriff's Office

Ryan Beston (BIA) – Hire date 07/05/07

Dave W Bets His Medicine (BIA) – Hire date 07/01/07

Big Horn County Sheriff's Office

Pernell Brown (BIA) – Hire date 05/21/07

William F. Snell III Pretty Shield (BIA) – Hire date 08/09/07

Bert Mooney Airport

Steve Ashby (Dalls, TX) – Hire date 04/10/08

Gallatin Airport Authority Department of Public Safety

Jorge L. Gonzanlez (ICE, DEA, Nashville PD, TN)

Hire date 06/02/08

Bob McCarthy motioned to approve
Levi Talkington seconded
Motion carried

4. **Discussion Points**

i. Pre-approved Training Courses.

POST is looking to simplify the process of course approval by considering the fact common and regularly instructed courses have already been approved upon the first initial step in the process. Then the 35 day advanced notification would be the only requirement since (they've already been approved.)

ii. Revamping EQ course.

The EQ course needs to be reviewed;
Is it meeting our needs? Does it need some adjustments?
Currently students come to MLEA for two days, followed by on-line training, then come back for another two days. Other states attend for a two week period.

Conclusion:
Kevin Olson will be working on this.

iii. Federal Law concerning concealed weapons carried by law enforcement retirees.

Steve Barry provided a handout from the Attorney General's website on this particular issue. Included was a copy of the public law.

Question on hand is 'what is the qualification course that MLEA uses to satisfy their firearms equivalency;

Steve shares concerns that Montana does not have a standard for law enforcement officers to qualify for firearms training because the state doesn't have a standard, retired law enforcement officers can't qualify under this act.

Steve would like to have further discussion on this in terms of 'what is our role in terms of establishing a state standard for firearms certification.

iv. Future meeting dates for council meetings and/or conference calls.

Wayne asked the council whether the current quarterly dates (3rd week of February, May, August, November) are okay the way they are set, or is there any interest in resetting the dates.

Conclusion:

Dates are scheduled fine as they are quarterly-Feb. May, Aug. Nov.

- v. Requirement for initial hire training, continual education and re-certification of public safety officers.

- Initial hire training:

Montana law says once you've been hired, you have one year from hire date to attend the academy basic (extensions may change that). Wayne shares his concerns about the 'void' in time between date of hire and Basic training.

Wayne feels there should be some type of specialized training completed 'within' the first year of hire to hopefully avoid legal issues.

- Continuing education:

Montana does not require continual Education for law enforcement officers after attending basic training. This is of great concern and should be looked at.

- Re-certification:

Wayne stated that other states offer a continual recertification course for peace officers.

What positions do we say will continue certification? or do we come up with a training program that a person can come back to once a year, every two, three years – what ever decided, to maintain certification?

Brief mention that IT may be approving a server for POST as part of the process of developing a new database.

e. **Committee Reports**

1. **ARM Committee** – Levi Talkington

Levi commented he wouldn't be apposed to lowering the training hours from 400 to 300 but suggests it be more specific leadership and supervisory defined.

Bonnie would like to keep the 400 training hours for the command Certificate

Dennis would like to lower the hours for the command certificate, but with more specific training requirement.

Wayne will be attending the Public Hearing May 19th held at the Montana Board of Crime Control (MBCC) regarding the rules to gather information. Wayne would like suggestions or concerns from the council to discuss during the hearing.

Discussion held

Conclusion:

Steve Barry suggests getting back together rather quickly after the hearing Monday to have a further discussion to find resolution.

2. **Curriculum Committee – Dennis McCave**

No report available – having problems with NIC who is in process of a severe transition.

3. **Business Plan Committee – Steve Barry**

Steve reported on Long Range Operational Plan. He will provide draft for review next meeting in August (21st). Elements of this plan consists of goals and objectives, Mission, communication plan, fiscal plan, background information on council, organization management, and attachments.

4. **Professionalism & Integrity Committee –Bonnie Wallem and Levi Talkington**

Wayne and Tana were asked to determine a couple days of when they might have a conference call.

Bonnie proposed she go to the Montana Law Enforcement Summit 2008 and have other attending participants complete the questionnaire.

Levi has numbers of de-certifications and suspensions.

Levi also mentions that agencies are coming up with the same idea of Continuing Ethics training. He states that ethics should be incorporated into every aspect of training making it a refresher course or continuing education requirement.

Updates will be brought to the next meeting.

5. **Policy Committee – Bonnie Wallem**

No report but will update during the next meeting.

6. **Reserve Officer Program – James Marble**

During the April 4th meeting discussion was held regarding the focus of the Reserve Curriculum Committee concerning the creation of canned curriculum, university contacts and the structure of the curriculum.

Mike Zuhoski from Laurel PD, submitted a proposal requesting to be on the committee.

Issues of concerns: 5:12

- There isn't enough time dedicated to Use of Force,

James suggested the committee should consider moving Use of Force (which is covered under 'Laws of Arrest') to the Firearms section in order to accomplish a basic 88 hour training.

- Great issues regarding the type of certificates provided for reserves.

James commented not calling it a "Basic Certificate" but asked at what level would you call it?

- Agencies have expressed that reserves should be allowed to attend individual training that certified officers aren't allowed to attend (due to possible budget constraints).

These issues have been put on hold until it was brought before POST to ask what direction to take.

James expressed that if reserves were to be recognized, there is no statutory requirement other than the 88 hours.

Wayne comments that the law states POST sets employment and training standards for all public safety officers. This also includes reserves officers. The only thing described in law is the 88 hours and the agency is responsible for making sure the reserve officer achieves that within a two year period.

If there is concern for who instructs reserves, it is the task of POST to certify the instructor, so in order to teach reserves, an instructor would have to attend a reserve officer training program.

Wayne stated that POST is to provide the instruction and certify the Training.

Discussion held

Conclusion:

James proposed submitting a 'canned' curriculum for reserve officers to

POST for adoption.

f. MLEA Report

1. **Mr. Kevin Olson** – overview of MLEA

166 officers will have been through the LEO Basic since July 2007

With the increased profession requirement, there has been an ongoing 'back log' of officers needing to attend the LEOB.

The academy is able to manage the number of students with the staffed training team.

Curriculum review will be presented to Dennis in August
Kevin commented that we've outgrown the 480 hour course training and feels we need to extend our training curriculum

Kevin shared brief discussion of curriculum.

"Future is pretty bright for Montana"

Mention of cutting Cardio Pulmonary Resuscitation (CPR) out of the 'training day' and offering it as required elective in the evening for only those who have to have it. Suggesting telling agency their officers have to have CPR before attending the academy and if they don't, it can be taken as an elective. This process would free up about 4 hours which would be great time benefit

Oct of 2007 a poll was taken and out of the last 197 students that came to the LEOB course, only 37 did not have a current CPR card when they arrived.

The Academy has not removed a person from LEOB course for disciplinary issues in 3 years nor removed a person from the course for a physical fitness failure since the new physical fitness standards had been implemented.

Detention/Correction course will be expanding from a three week to four week training course.

Public Safety Communicators (PSC) is a 40 hour course

Department of Public Health and Human Services (DPPHS) has year end money they'd like to throw toward training- 40 hour Memphis model course that will be put together.

The MLEA 16 hour Mental Illness training provided by Jerry Williams will be offered to 6 new training sites:
Hardin, Billings, Bozeman, Butte, Missoula, Great Falls, Helena,
(locations with pre-release centers)

Kevin Introduced Erin Inman who is the new Assistant Attorney General now assigned to the Law Enforcement Academy as the law and legal trainer.

There has been an offer to an applicant for newly created position with the Academy: possible start date is June 7, 2008

In January the Montana Law Enforcement Academy will be offering the Executive Leadership course

Another project in management leadership position is the creation of a Sergeant's Academy. A course on "how to lead"..

Kevin also suggested creating an Agency Legal Advisor Course to bring in veteran officers who what to learn a little about the first level of legal research.

This fall Derek VanLuchene will be working with US Attorney Office in Billings putting together a Children's violence conference in Helena about 3-4 day in length. Solely focused around crime and children and the prevention.

Law Enforcement Summit will occur in Billings July 21 thru July 24. Trainer; Bill Hiller who is offering a free of charge course on stress.

2. Derek VanLuchene – Regional Training Report

Derek has been handling POST course accreditation since 2004, also reviews and post certifies regional programs. The certification process entails a 35 days advanced notice, the application process, supplying an instructor bio, and a course agenda, then once approved for POST certification, the course can be carried out.

Derek stated the post certification process should be a POST function.

Wayne mentioned that the 35 day rule was taken out of the new Administrative Rules leaving the time frame open. In the future, policy would direct this.

Derek reported on Court Security Survey process that was completed in 2005 and consisted of 56 counties.

The project was able to get about \$300, 000 of initial money to buy equipment for Court room security. Now that the installment process of the equipment had begun , Derek performed a security presentation to the judges.

Good results came from this project of three people.

Kevin followed up by explaining that the POST accredited course process will slowly transfer toward the office of POST

2. **Jerry Williams – Racial Profile and Mental Health Training - 2:48**

- Racial Profiling:

Training was conducted across the state in 2005, shortly after the law was passed starting in September and finishing up in November appearing at 36 different locations.

Since 2003 the Racial Profiling class had been included in the Law Enforcement Basic training.

In 2005, approximately 2000 officers have been trained on this 4 hour POST certified racial profiling class.

Training itself was mandated by statute.

In conducting this training, one of the major concerns by law enforcement was “why am I here, I don’t do it, it’s not a part of my life or activities, why do I have to attend the training?”

Training is still being offered and will be offered by request.

- Mental Health:

Mental Health is a separate 16 hour training and has no relationship to the Racial Profiling class.

The Academy felt that more in depth training is needed for law enforcement in dealing with people with mental illness issues.

Jerry was initially assigned a task to develop an 8 hour class that would be directed toward street officers. With the success of this training, adding more information had been a consideration.

The Mental Health training is *now* expanded to 16 hours and offered as a POST certified class at no cost, available to law enforcement throughout the state.

Within this 16 hour class, a 2 hour segment on suicide prevention has been included.

Jerry also explained that there is a segment in the training that provides for the mentally ill who have committed a crimes. Different options are discussed within the training but this is up to the local policy with each department.

Deborah mentioned Jerry will be attending the County Attorney's summer training session in July in Red Lodge to speak with the County Attorney's Association so they will understand how to deal with a mental illness case.

VII. Council Member Reports – 6:49

- Bob McCarthy commented on mental health issues; stating the Hospital Association had proposed a bill for the next legislature which would clarify if anyone is arrested, the county making the arrest would be held responsible for all medical bills whether you want to arrest them or not.
- Levi Talkington explained the State Police Assoc. sponsored about \$10,000 toward a “say NO to drugs” concert for 8th graders throughout the state. This is about the 9th or 10th year of the Associations participation. The Assoc. had looked at working along side the Meth campaign. Getting geared up for legislative issue coming up with.

After 13 years of working with Lewistown Police Department, Levi had accepted a position with the Gallatin Airport Authority.

- James Marble stated he had not made it to an executive meeting for Chief's Assoc. due to the inability of doing so per administration, so currently attendance to any meeting has been on his vacation time.

At this time, no report.

- Mike Reddick comments the “Smart Cop Program” (computer assisted dispatch) is up and running on May 21st. Hiring about 7 new operators, so should be up to about 30 in comm. Center.

MHP is geared up for Hells Angels in Missoula in July.

In midst of hiring process again, hiring about 24 more new troopers.

July 14th the Summer MHP academy will begin at MLEA and Fort Harrison. 7 Motor Carrier Service officers (MCS) will also be attending. (HB35 - the new hires will be about 13 of these troopers)

- Dennis McCave advised Montana Sheriff's and Peace Officer's Assoc. (MSPOA) meeting is held next week in Lewistown. Friday morning at 8:30 the board meeting will be held at the Yogo Inn. Information can be found at: MSPOA.org and click on the “summit” info.
July 22nd, Tuesday - opening ceremony at 8:30am, then joint discussion on legislative issues at 4:30.
July 23rd, Wednesday – training with a presentation from Bill Hiller: “Mitigating Stress After Traumatic Situations”. This presentation is sponsored by Chief's Assoc. and will be 8 hours POST certified course at no cost.

- Dennis talks about mental health issue. It was explained that legislature is looking to legislate every jail in the state of Montana have some sort of psychiatrist/mental health treatment program installed in every facility.

Health care costs an issue since legislature is looking to change wording from ‘detainee’ to: ‘anybody who is being arrested, in the process of being arrested, or whom may be at some time later be arrested’.

- Bonnie Wallem commented the Montana Board of Crime Control (MBCC) is putting together meetings on crime prevention as a private committee made of officers around the state who will be working with the tribes to gather information so everyone is on the same path.

Bonnie attended a gathering funded by MBCC thru Youth Justice Advisory Council. She expressed it being a very delightful experience!

- Ray Murray asked if anyone heard or have comments on the vote of private security sponsored legislation that changed the rules for a casual security in the last session?
-no responses.

- Steve Barry stated that Corrections is working with an issue on a new jail in Hardin, Two Rivers Detention Center, continuing to struggle with Correction officer staffing issues.

- Wayne Ternes explained that everyone now has a vendor number to get paid by. This number is already located on your travel voucher.

The new legislation talks about the public safety officers as defined; a new definition was used for peace officers, one that has not ever been used for POST it now includes Sheriffs.

Issues with Sanders County:

- A deputy was audio taping his meetings with the sheriff and under sheriff without notification; an investigation is filed against him. This being an ethics violation of illegal taping, Sanders County is hoping POST will handle it.
- Another issue concerning a deputy on a domestic call when the responding officer went through the door, the officer with issues pointed gun in the responding officer's face.
- Another issue with former Chief of Hot Springs who was drinking, eluded an officer that was trying to pull him over, entering a bar with service weapon and badge handing them to the bartender deputizing them..etc.

Deborah suggested Wayne write a letter to Sheriff Arnold.

Wayne asked Ray if the Private Security board looked at the notion, would it be denied if somebody from a public agency who was a public safety officer that was revoked or decertified may not be licensed by the board or can we do that, would the board look at that?

Discussion of 'private contracted' facility – pre-release centers are private contractors with DOC and they have NO rules on how they train their staff.

Wayne explained that Sheriff Burdick from Chouteau County provided POST with documentation of legal issues which would basically involve POST in a local conflict.

VIII. Public Comment

Public absent at this point

VIX. Adjourn

Motioned to adjourn by Dennis McCave

Mike Reddick seconded

Motion moved

Next meeting scheduled for August 21, 2008 at the DCI Conference room. Across from Overland Express